

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHARLES LISTON,)
)
 Petitioner,)
)
 vs.) Case No. 4:06-CV-532 AGF
)
MICHAEL BOWERSOX,)
)
 Respondent.)

ORDER

This matter is before the Court upon the application of Charles Liston for a writ of habeas corpus. The Court, however, cannot review the substance of the instant petition at this time as petitioner has submitted neither the \$5 filing fee nor a form "Motion to Proceed In Forma Pauperis and Affidavit in Support -- Habeas Cases." Thus, the Court will give petitioner the opportunity either to pay the \$5 filing fee, see 28 U.S.C. § 1914, or to request leave to proceed in forma pauperis. See 28 U.S.C. § 1915; Local Rule 2.05(A).

Therefore,

IT IS HEREBY ORDERED that the Clerk of Court shall forward to petitioner a form "Motion to Proceed In Forma Pauperis and Affidavit in Support -- Habeas Cases."

IT IS FURTHER ORDERED that petitioner shall have thirty (30) days from the date of this order either to pay the statutory filing fee of \$5 or to submit a completed form "Motion to Proceed In Forma Pauperis and Affidavit in Support -- Habeas Cases."

IT IS FURTHER ORDERED that, if petitioner fails to pay the filing fee or to submit the form motion and affidavit within thirty days, the Court will dismiss this action without prejudice. See Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that, if petitioner submits the form motion and affidavit or pays the filing fee within thirty days, the Clerk of Court shall cause this action to be resubmitted to the Court for review under 28 U.S.C. § 1915 or the Rules Governing Section 2254 Cases in the United States District Courts.

Dated this 5th day of April, 2006.

Audrey G. Fleissig

UNITED STATES MAGISTRATE JUDGE